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EXAMINER
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ARCOS, CAROLINE H

ART UNIT	PAPER NUMBER
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2195

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/824,074	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> CAROLINE ARCOS	<b>Art Unit</b> 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-32 are pending for examination.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1- 30, and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. As to claim 1, the claim reads on mental process or the manipulation of an abstract idea. The claim limitations are not explicitly directed toward steps being implemented on a computer. As such, they could be carried mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non statutory subject matter. Claims 2-16 are rejected for similar reasons as discussed for their respective parent claims, as they fail to present any limitations that resolve the deficiencies of the claims from which they depend. (The examiner suggests applicant to change “a method for managing system resources” to “a computer implemented method for managing system resources” in order to overcome this 101 issue).

5. Claim 17 is rejected under 35 U.S.C. 101 because the claim invention is directed to system claim but appearing to be comprised of software alone without claiming

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associated computer hardware required for execution. For example, claim 17 recite a first resource, second resource, first resource pool, first container and a management interface which are all software modules/functions. Software alone is directed to a non-statutory subject matter. Claims 18- 30 are rejected for similar reasons as discussed for their respective parent claims, as they fail to present any limitations that resolve the deficiencies of the claims from which they depend.

6. Claim 32 is rejected under 35 U.S.C. 101 because the claim invention is directed to network system claim but appearing to be comprised of software alone without claiming associated computer hardware required for execution. For example, claim 32 recites a plurality of nodes, a first resource, second resource, first resource pool, first container and a management interface which are all software modules/functions. Software alone is directed to a non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-16 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lacks antecedent basis:

i. The plurality of processes- claim 15.

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- b. The claim language in the following claims is not clearly understood:
  - i. As per claim 1, lines 4, it is not clearly understood what is the relation between a resource pool and a first portion? (i.e. Are they the same?). Line 6, it is not clearly understood what is meant by "the first resource is valid" (i.e. available or fills the container requirement?). Line 7, it is not clearly understood what is meant by "activating" (i.e. schedule, operate or execute?)
  - ii. As per claim 2, line 2, it is unclear what is the relation between the second portion of the first resource and resource pool.
  - iii. As per claim 7, line 3, it is not clearly understood what is meant by "not valid"? (i.e. not available or doesn't satisfy the container needs?)
  - iv. As per claim 9, it is not clearly understood what are the criteria for deactivating the container? (i.e. failure or not enough resources).
  - v. As per claim 12, line 2, it is not clearly understood what is considered by changing job functionality?
  - vi. As per claim 21, it has the same deficiency as claim 12.

***Claim Rejections - 35 USC § 103***

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 1-5, 7-8, 11, 16-21, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1).

11. As per claim 1, McCarthy teaches the invention substantially as claimed including a method for managing system resources, comprising:

creating a container, wherein creating the container comprises allocating a first portion of a first resource to the container (abs., lines 9-14; par. [0025], lines 1-12; par. [0026]) ;

associating the container with a resource pool, wherein the resource pool is associated with the first resource (par. [0049], lines 1-7);

determining whether the first portion of the first resource is valid (par. [0027], lines 1-16).

12. McCarthy doesn't explicitly teach activating the container if the first portion of the first resource is valid. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude from McCarthy teaching of operating the partition if the minimum required resources is met that it is activating the container of the first portion of the first resource is valid.

13. As per claim 2, McCarthy teaches executing a project within the container once the container is active (par. [0004], lines 6-14).

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14. As per claim 3, McCarthy teaches collecting statistics corresponding to the executing of the project in the container (par. [0031], lines 1-5; par. [0032], lines 1-16).

15. As per claim 4, McCarthy teaches that triggering an alert if the project executing within the container attempts to use more than the first portion of the first resource (par. [0035], lines 8-23; par. [0036], lines 6-7).

16. As per claim 5, McCarthy teaches that the project does not use more than the first portion of the first resource while executing in the container (par. [0045], lines 5-6).

17. As per claim 7, McCarthy teaches allocating a second portion of the first resource to the container, if the first portion of the first resource allocated to the container is not valid (par. [0023], lines 1-16; par. [0024], lines 1-4; par. [0027], lines 14-23; par. [00; determining whether the second portion of the first resource allocated to the container is valid (par. [0027], lines 1-16); and activating the container if the second portion of the first resource allocated to the container is valid.

18. As per claim 8, McCarthy teaches allocating a first portion of a second resource to the container determining whether the first portion of the second resource allocated to the container is valid (par. [0025], lines 1-12; par. [0026]); par. [0027], lines 1-16; par. [0041], lines 11-18; par. [0044]).

19. As per claim 11, McCarthy teaches modifying the first portion of the first resource after the container is activated (par. [0023], lines 1-5; par. [0027], lines 15-23; par. [0035], lines 8-15; par. [0036], lines 1-4).

20. As per claim 16, McCarthy teaches that the first resource is at least one selected from the group consisting of a central processing unit (CPU), physical memory, and bandwidth (par. [0025]; par. [0041], lines 11-18).

21. As per claim 17, McCarthy teaches a resource management system, comprising:  
a first resource and a second resource (par. [0041], lines 5-18; par. [0044], lines 4-6);

a first resource pool, wherein the resource pool is allocated a portion of the first resource and a portion of the second resource (par. [0041]);

wherein the first container comprises a requirements specification for the first resource for the first container and a requirements specification for the second resource for the first container (par. [0041], lines 5-18; par. [0044], lines 4-6); and

a management interface configured to:

verify the requirements specification for the first resource with the allocated portion of the first resource (par. [0045], lines 1-6; fig. 4A, cumulative allocation of 19 resources), and

verify the requirements specification for the second resource with the allocated portion of the second resource (par. [0041], lines 5-18; par. [0045], lines 1-6;



fig. 4A, cumulative allocation of 19 resources; par. [0046]).

22. McCarthy doesn't explicitly teach that a first container residing in the first resource pool. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude from McCarthy teaching of a system that comprises a plurality of partitions is a resource pool that has one or more container including the first container.

23. As per claim 18 McCarthy teaches a database configured to track: allocation of the first resource; allocation of the second resource; the requirements specification of the first resource for the first container; and the requirements specification of the second resource for the first container (fig. 4A, elements: partitions, priority and cumulative allocations of 19 resources).

24. As per claim 19, McCarthy teaches wherein the second container comprises a requirements specification the first resource for the second container and a requirements specification for the second resource for the second container (fig. 4A, elements: partitions, priority and cumulative allocations of 19 resources).

25. McCarthy doesn't explicitly teach that a second container residing in the first resource pool. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude from McCarthy teaching of a system that

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comprises a plurality of partitions is a resource pool that has one or more container including the second container

26. As per claim 20, McCarthy teaches the usage of the first resource and the second resource by the first container and the second container is determined using fair share scheduling (par. [0026], lines 1-4; par. [0038], lines 1-3; par. [0038], lines 12-17).

27. As per claim 21, McCarthy teaches the management interface is configured to modify the requirements specification for the first resource for the first container (par. [00027], lines 1-23; par. [0043]; par. [0044]; par. [0045]).

28. As per claim 29, McCarthy doesn't explicitly teach that the management interface is further configured to discover the first resource and the second resource.

29. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude from McCarthy's teaching that in order for the partition load manager (PLM) to allocate different resources to each partition, PLM must discover the resources through knowing their availability in order to grant or deny the allocation which is known to one of ordinary skill in the art that in any system allocation of resources start first by discovering the availability of the resources , then the allocation process.

30. As per claim 31, McCarthy teaches the first resource is at least one selected from the group consisting of a central processing unit (CPU), physical memory, and bandwidth

(par. [0041], lines 11-18; par.[0044]).

31. As per claim 32, McCarthy teaches a network system having a plurality of nodes (par. [0018]; lines 1-9), comprising:

- a first resource and a second resource (par. [0041], lines 12-18; par. [0044], lines 4-6);

- a first resource pool, wherein the resource pool is allocated a portion of the first resource and a portion of the second resource (fig. 2A, 200; par. [0043], lines 9-12);

- wherein the first container comprises a requirements specification for the first resource for the first container and a requirements specification for the second resource for the first container (par. [0044], lines 4-6); and

- a management interface configured to:

- verify the requirements specification for the first resource with the allocated portion of the first resource (par. [0045], lines 1-6; fig. 4A, cumulative allocation of 19 resources), and

- verify the requirements specification for the second resource with the allocated portion of the second resource (par. [0041], lines 5-18; par. [0045], lines 1-6; fig. 4A, cumulative allocation of 19 resources; par. [0046]).

- wherein the first resource is located on any one of the plurality of nodes, wherein the second resource is located on any one of the plurality of nodes, wherein the first resource pool is located on any one of the plurality of nodes, wherein the container is located on any one of the plurality of nodes, wherein the management interface executes on any one of the plurality of nodes (par. [0018], lines 26-29; par. [0021], par. [0022]).

32. McCarthy doesn't explicitly teach that a first container residing in the first resource pool. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude from McCarthy teaching of a system that comprises a plurality of partitions that the system is a resource pool that has one or more container including the first container.

33. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), in view of Krishnaswami et al. (US 2005/0091346 A1).

34. As per claim 6, McCarthy teaches the project is placed in the container by a user (par. [0005], lines 1-5).

35. McCarthy doesn't explicitly teach the user is listed on an access control list associated with the container. However, Krishnaswami teaches the user is listed on an access control list associated with the container (par. [0059], lines 1-10).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Krishnaswami because Krishnaswami teaching of the user is listed on an access control list associated with the container would improve system security and system efficiency since it control the access of which user can modify the container, this technique would prevent the system from unwanted

intruders that can harm the system.

37. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), in view of Ham et al. (US 2004/0158834 A1).

38. As per claim 9, McCarthy doesn't explicitly teach deactivating the container, wherein deactivating the container comprises releasing the first portion of the first resource from the container. However, Ham teaches deactivating the container, wherein deactivating the container comprises releasing the first portion of the first resource from the container (abs., lines 2-7; fig. 7, element 740).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Ham because ham teaching of deactivating the container comprises releasing the first portion of the first resource from the container would improve system performance and efficiency in usage of shared resources by reclaiming the resources allocated by one of the container in case the container is idle, dead or failed and allocating the shared resources to other containers that are in need of the resources.

40. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1) in view of Ham et al. (US 2004/0158834 A1) as applied to claim 9 above and further in view of Nguyen et al. (US 6,609,213 B1).

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41. As per claim 10, the combined teaching of McCarthy and Ham doesn't explicitly teach transferring the project executing the container to a default container if the container is deactivated; and executing the project in the default container.

42. However, Nguyen teaches transferring the project executing the container to a default container if the container is deactivated; and  
executing the project in the default container (col. 6, lines 23-34).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy, ham and Nguyen because Nguyen teaching of transferring the project executing the container to a default container if the container is deactivated; and executing the project in the default container would improve system performance and improve recovery techniques by migrating the application executing in the container to another container that can handle the workload in order to maintain a fixed level of service.

44. Claims 12, 14, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), in view of Sankaranarayan et al. (US 6,799,208 B1).

45. As per claim 12, McCarthy doesn't explicitly teach that wherein the first portion of the first resource is modified using schedule change job functionality.

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46. However, Sankaranarayan teaches wherein the first portion of the first resource is modified using schedule change job functionality (abs., lines 9-23; fig. 5).

47. It would have been obvious to one of ordinary skill in the art at the invention was made to combine McCarthy and Sankaranarayan because Sankaranarayan teaching of the first portion of the first resource is modified using schedule change job functionality would improve system performance and flexibility by modifying first resource.

48. As per claim 14, McCarthy teaches specifying a project associated with the container, wherein the project corresponds to a plurality of processes (par. [0004], lines 7-14; par. [0033], lines 6-10).

49. As per claim 22, McCarthy doesn't explicitly teach that the requirements specification for the first resource for the first container is modified using schedule change job functionality.

50. However, Sankaranarayan teaches the requirements specification for the first resource for the first container is modified using schedule change job functionality (abs., lines 9-23; fig. 5).

51. It would have been obvious to one of ordinary skill in the art at the invention was made to combine McCarthy and Sankaranarayan because Sankaranarayan teaching of the first portion of the first resource is modified using schedule change job functionality

would improve system performance and flexibility by modifying first resource.

52. As per claim 28, McCarthy doesn't explicitly teach a first management utility configured to manage the first resource; and a second management utility configured to manage the second resource, wherein the management interface is further configured to interface with the first management utility and the second management utility to manage the portion of the first resource and the portion of the second resource allocated to the resource pool.

53. However, Sankaranarayan teaches a first management utility configured to manage the first resource (fig. 2, 104(1)); and

a second management utility configured to manage the second resource (FIG. 2, 104(2)), wherein the management interface is further configured to interface with the first management utility and the second management utility to manage the portion of the first resource and the portion of the second resource allocated to the resource pool (FIG. 2, 102; col.2, lines 43-48; col. 2, lines 60-67; col. 8, lines 18-31).

54. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Sankaranarayan because Sankaranarayan teaching of a first and a second management utility to manage first and second resource and the management interface interfaces with both utilities in order to manage resource allocation would improve system performance and efficiency in resource allocation techniques by providing a structured system and that functionality is divided upon



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different component of the system improve system performance and accuracy in its functions.

55. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), as applied to claim 1 above, in view of Kelly et al. (US 6,578,141 B2), in view of Shuster (US 7,412,514 B2) and further in view of Parthasarathy et al. (US 7,117,371 B1).

56. As per claim 13, McCarthy doesn't explicitly teach that creating the container comprises:

- defining a container name;
- specifying a minimum CPU requirement for the container;
- specifying a maximum physical memory limit; and
- specifying a maximum outgoing network bandwidth.

57. However, Kelly teaches specifying a minimum CPU requirement for the container; and specifying a maximum physical memory limit (col. 12, lines 1-14).

58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Kelly because Kelly teaching of specifying minimum CPU and Max memory would improve system efficiency in using resource by specifying exactly the amount of resources needed for the container to

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function.

59. The combined teaching of McCarthy and Kelly doesn't explicitly teach specifying a maximum outgoing network bandwidth.

60. However, Shuster teaches specifying a maximum outgoing network bandwidth (col. 5, lines 61-64).

61. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy, Kelly and Shuster because Shuster teaching of specifying a maximum outgoing network bandwidth would improve system performance and efficiency in allocating and regulating system resource.

62. The combine teaching of McCarthy, Kelly and Shuster because Shuster doesn't explicitly teach defining a container name. However, Parthasarathy teaches defining a container name (col. 12, lines 42-45).

63. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy, Kelly, Shuster and Parthasarathy because Parthasarathy teaching of defining a container name would improve system management techniques by defining container name, containers can be managed easily.

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64. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), in view of Kelly et al. (US 6,578,141 B2), in view of Shuster (US 7,412,514 B2), in view of Parthasarathy et al. (US 7,117,371 B1) as applied to claim 13 above and further in view Malhour (US 7,150,020 B2).

65. As per claim 15, the combined teaching of McCarthy, Kelly, Shuster and Parthasarathy doesn't explicitly teach each of the plurality of processes is identified by the same identifier. However, Malhour teaches each of the plurality of processes is identified by the same identifier (col. 3, lines 44-50).

66. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy, Kelly, Shuster, Parthasarathy and Malhour because Malhour teaching of each of the plurality of processes is identified by the same identifier would improve system performance and efficiency in resource allocation techniques since the processes belonging to one application would have the same identifier, it would manage and facilitate resource allocation for these processes.

67. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), as applied to claim 17 above and further in view of Shuster (US 7,412,514 B2).

68. As per claim 30, McCarthy teaches the first container comprises:

a container name (fig. 2A, elements: partition 1, partition 2 ... partition N);

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a minimum CPU requirement for the container (par. [0044], lines 4-6);

a maximum physical memory limit (par. [0044], lines 4-6).

69. McCarthy doesn't explicitly teach specifying a maximum outgoing network bandwidth. However, Shuster teaches specifying a maximum outgoing network bandwidth (col. 5, lines 62-64).

70. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Shuster because Shuster teaching of specifying a maximum outgoing network bandwidth would improve system performance and efficiency in allocating and regulating system resource.

71. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), and in view of Kalhour (US 7,150,020 B2).

72. As per claim 23, McCarthy teaches a project configured to execute in the first container (par. [0004], lines 6-14).

73. McCarthy doesn't explicitly teach the project corresponds to a network-wide administrative identifier used to identify related processes.

74. However, Kalhour teaches the project corresponds to a network-wide administrative identifier used to identify related processes (col. 3, lines 44-50).

75. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of McCarthy and Kalhour because Kalhour teaching of the project corresponds to a network-wide administrative identifier used to identify related processes would facilitate resource allocating management and it would improve system efficiency of managing scheduling by identifying related processes.

76. As per claim 24, McCarthy teaches the amount of the first resource used to execute the project in the first container does not exceed the portion of the first resource allocated to the first container (par. [0045], lines 5-6). .

77. As per claim 25, McCarthy teaches the amount of the first resource used to execute the project in the first container does not exceed the requirements specification of the first resource for the first container (par. [0045], lines 5-6).

78. As per claim 26, McCarthy teaches the management interface is configured to track usage of the first resource and the second resource by the project (par. [0032], lines 1-16; par.[0037]).

79. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (US 2003/0037092 A1), and in view of Kalhour (US 7,150,020 B2). As applied to

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claim 23 above and further in view of Krishnaswami et al. (US 2005/0091346 A1).

80. As per claim 27, McCarthy teaches the project is placed in the first container by a user (par. [0005], lines 1-5).

81. McCarthy doesn't explicitly teach the user is listed on an access control list associated with the container. However, Krishnaswami teaches the user is listed on an access control list associated with the first container (par. [0059], lines 1-10).

82. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCarthy and Krishnaswami because Krishnaswami teaching of the user is listed on an access control list associated with the container would improve system security and system efficiency since it control the access of which user can modify the container, this technique would prevent the system from unwanted intruders that can harm the system.

### ***Conclusion***

83. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20040172629 A1 teaches Segmented virtual machine.

US 7225223 B1 teaches Method and system for scaling of resource allocation subject to maximum limits.

US 6678700 B1 teaches System of and method for transparent management of data

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objects in containers across distributed heterogenous resources.

84. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROLINE ARCOS whose telephone number is (571)270-3151. The examiner can normally be reached on Monday-Thursday 7:00 AM to 5:30 PM.

85. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

86. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

/Caroline Arcos/  
Examiner, Art Unit 2195